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WON, MICHAEL YOUNG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,605

Applicant(s)

WATT, JAMES H.

Examiner

MICHAEL Y. WON

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed August 13, 2008.
2. Claims 42-44, 50, and 52 have been amended.
3. Claims 42-53 have been examined and are pending with this action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 42, 46, 48, 49, 51, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 42 recites the limitation "transferring a duplicate of the created first audio/video message to the server" and later recites "storing the first audio/video message on the server"). There is insufficient antecedent basis for this limitation in the claim.

Claims 46, 48, 49, 51, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The examiner cannot clearly

determine the limits of the claim language "substantially concurrently" to perform a proper search.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 45 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Yeager (US 6,167,402).

As per **claim 45**, Yeager teaches a method of modifying a sequence of audio/video messages (see col.2, lines 12-20 and col.5, lines 56-59) stored on a workstation, the method comprising:

(a) creating on the workstation at a first time a first audio/video message (see col.1, lines 18-21: "client-server" and col.7, lines 7-11: "owners, creators");

(b) storing the first audio/video message on the workstation (see col.13, lines 17-19: "indexed locally");

(c) creating on the workstation at a second time later than the first time at least a second audio/video message (see col.1, lines 18-21: "client-server" and col.7, lines 7-11: "owners, creators");

(d) placing and storing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the workstation (see col.5, lines 19-30: "categorized based on pre-defined criteria, such as a time-period" and col.6, lines 28-34: "is essentially a container for holding a series of data buckets fro a previously defined time period"); and

(e) storing the first audio/video message and the at least second audio/video message on the workstation in the temporally independent pseudo-chronology (see col.5, lines 19-30: "indexing of the message store" and col.6, lines 15-34: "each storage component is organized at the top based on the day a particular message was received").

As per **claim 46**, which depends on claim 45, Yeager further teaches wherein the placing of the at least second audio/video message is performed substantially concurrently with its creation (inherency).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 42-44 and 50-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager (US 6,167,402) in view of Freeman et al. (US 6,006,227).

INDEPENDENT:

As per **claim 42**, Yeager teaches a method of modifying on a server an order of audio/video messages (see col.2, lines 12-20) created by respective users at respective workstations, the method comprising:

(a) creating a first audio/video message (see col.2, lines 12-20 and col.5, lines 56-59) on a first workstation at a first time (see col.1, lines 18-21: "client-server" and col.7, lines 7-11: "owners, creators");

(b) transferring a first audio/video message (see col.2, lines 12-20 and col.5, lines 56-59) to the server (see col.13, lines 60-63: receiving an e-mail message and delivering the message to a message store in accordance with the described embodiment");

(c) storing the first audio/video message (see col.2, lines 12-20 and col.5, lines 56-59) on the server (see col.5, lines 19-30: "indexing of the message store" and col.6, lines 15-34: "each storage component is organized at the top based on the day a particular message was received");

(d) creating at least a second audio/video message (see col.2, lines 12-20 and col.5, lines 56-59) on a second workstation at a second time later than the first time (see col.1, lines 18-21: "client-server" and col.7, lines 7-11: "owners, creators");

(e) transferring a second audio/video message (see col.2, lines 12-20 and col.5, lines 56-59) to the server (see col.13, lines 60-63: receiving an e-mail message and

delivering the message to a message store in accordance with the described embodiment"); and

(f) placing the at least second audio/video message (see col.2, lines 12-20 and col.5, lines 56-59) on the server in a temporally independent pseudo-chronology relative to the first audio/video message determined by a user of the second workstation (see col.5, lines 19-30: "categorized based on pre-defined criteria, such as a time-period" and col.6, lines 28-34: "is essentially a container for holding a series of data buckets from a previously defined time period");

(g) storing on the server the first audio/video message and the at least second audio/video message (see col.2, lines 12-20 and col.5, lines 56-59) in the temporally independent pseudo-chronology (see col.5, lines 19-30: "indexing of the message store" and col.6, lines 15-34: "each storage component is organized at the top based on the day a particular message was received").

Yeager does not explicitly teach that the messages transferred and stored are duplicate of the created original message.

Freeman teaches messages transferred and stored are duplicate of the created original message (see col.6, lines 58-61: "duplicates an existing document and places the copy in the stream... then forwards the selected document").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yeager in view of Freeman so that messages transferred and stored are duplicate of the created original message. One would be motivated to do so because by duplicating messages, it allows plurality of

clients to perform actions with respect to the message, such as access, modify, save, print and so on, at the same time.

As per **claim 50**, Yeager teaches a method of modifying a sequence of audio/video messages (see col.2, lines 12-20 and col.5, lines 56-59) stored on a workstation, the method comprising:

(a) receiving on the workstation at a first time at least one audio/video message from a server (see col.13, lines 60-63: receiving an e-mail message and delivering the message to a message store in accordance with the described embodiment");

(b) creating on the workstation at a second time later than the first time at least a second audio/video message (see col.1, lines 18-21: "client-server" and col.7, lines 7-11: "owners, creators");

(c) placing and storing the at least second audio/video message on the workstation in a temporally independent pseudo-chronology relative to the at least first audio/video message determined by a user of the workstation (see col.5, lines 19-30: "categorized based on pre-defined criteria, such as a time-period" and col.6, lines 28-34: "is essentially a container for holding a series of data buckets fro a previously defined time period"); and

(d) storing the at least one audio/video message and the at least second audio/video message on the workstation in the temporally independent pseudo-chronology (see col.5, lines 19-30: "indexing of the message store" and col.6, lines 15-34: "each storage component is organized at the top based on the day a particular message was received").

Yeager does not explicitly teach the at least one audio/video message being a duplicate of an audio/video message created on a second workstation.

Freeman teaches the at least one audio/video message being a duplicate of an audio/video message created on a second workstation (see col.6, lines 58-61: "duplicates an existing document and places the copy in the stream... then forwards the selected document").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yeager in view of Freeman so that the at least one audio/video message being a duplicate of an audio/video message created on a second workstation. One would be motivated to do so because by duplicating messages, it allows plurality of clients to perform actions with respect to the message, such as access, modify, save, print and so on, at the same time.

As per **claim 52**, Yeager teaches a method of modifying a sequence of audio/video messages (see col.2, lines 12-20 and col.5, lines 56-59) stored on a workstation, the method comprising:

(a) receiving on the workstation at a first time a plurality of audio/video messages in a first chronology from a server (see col.13, lines 60-63: receiving an e-mail message and delivering the message to a message store in accordance with the described embodiment");

(b) creating on the workstation at a second time later than the first time at least an additional audio/video message (see col.1, lines 18-21: "client-server" and col.7, lines 7-11: "owners, creators");

(c) placing the at least additional audio/video message on the workstation in a sequence relative to the plurality of audio/video messages determined by a user of the workstation to form a second temporally independent pseudo-chronology (see col.5, lines 19-30: "categorized based on pre-defined criteria, such as a time-period" and col.6, lines 28-34: "is essentially a container for holding a series of data buckets fro a previously defined time period"); and

(d) storing on the workstation the second temporally independent-pseudo chronology of audio/video messages formed in (c) (see col.5, lines 19-30: "indexing of the message store" and col.6, lines 15-34: "each storage component is organized at the top based on the day a particular message was received").

Yeager does not explicitly teach each of the plurality of audio/video message being a duplicate of an audio/video message created at respective other workstations.

Freeman teaches each of the plurality of audio/video message being a duplicate of an audio/video message created at respective other workstations (see col.6, lines 58-61: "duplicates an existing document and places the copy in the stream... then forwards the selected document").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yeager in view of Freeman so that each of the plurality of audio/video message being a duplicate of an audio/video message created at respective other workstations. One would be motivated to do so because by duplicating messages, it allows plurality of clients to perform actions with respect to the message, such as access, modify, save, print and so on, at the same time.

DEPENDENT:

As per **claims 43 and 44**, which depends on claim 42, Yeager teach further comprising:

creating a plurality of additional respective (a third) audio/video messages on the first workstation or on the second workstation or on respective additional (a third) workstations at respective times later than at least the first time;

transferring a copy of selected ones of the plurality of additional respective (third) audio/video messages to the server;

placing the transferred selected additional respective (third) audio/video messages in at least a second temporally independent pseudo-chronology relative to the first audio/video message and the at least second audio/video message determined by respective users of the first workstation or of the second workstation or of the respective additional (third) workstations; and

storing on the server the first audio/video message, the at least second audio/video message, and the selected additional respective (third) audio/video messages in the at least second temporally independent pseudo-chronology (**Note:** see independent claim rejections above: repeating steps previously taught does not render the invention novel).

As per **claims 51 and 53**, which respectively depend on claims 50 and 52, Yeager further teaches wherein the placing of the at least second audio/video message is performed substantially concurrently with its creation (inherency).

7. Claims 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager (US 6,167,402) in view of Ogilvie et al. (US 6,324,569).

As per **claims 47**, which depends on claims 45, Yeager teach further comprising:

(f) creating on the workstation a plurality of additional respective audio/video messages at respective times later than the first time;

(g) placing each additional respective audio/video messages in a temporally independent pseudo-chronology relative to the first audio/video message and the second audio/video message determined by the users of the workstation; and

(h) storing on the workstation each respective temporally independent pseudo-chronology of audio/video messages as each respective temporally independent pseudo-chronology is created (**Note:** see independent claim rejections above: repeating steps previously taught does not render the invention novel).

Yeager does not explicitly teach (i) replacing an earlier respective temporally independent pseudo-chronology with a later respective temporally independent pseudo-chronology selected by the user of the workstation.

Ogilvie teaches replacing an earlier respective temporally independent pseudo-chronology with a later respective temporally independent pseudo-chronology selected by the user of the workstation (see col.11, line 56-col.12, line 8).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yeager in view of Ogilvie by implementing replacing an earlier respective temporally independent pseudo-chronology with a later

respective temporally independent pseudo-chronology selected by the user of the workstation. One would be motivated to do so because such implementation prevents others from viewing stale or outdated messages..

As per **claim 48**, which depends on claim 47, Yeager further teaches wherein the placing of the at least second audio/video message is performed substantially concurrently with its creation (inherency).

As per **claim 49**, which depends on claim 47, Yeager further teaches wherein the replacing of an earlier respective temporally independent pseudo-chronology with a later respective temporally independent pseudo-chronology is performed substantially concurrently with the storing on the workstation of each respective temporally independent pseudo-chronology (inherency).

Response to Arguments

8. Applicant's arguments with respect to claims 42-53 have been considered but are moot in view of the new ground(s) of rejection.

In response to the argument regarding the rejection of claims 46, 48, 49, 51, and 53 under 35 U.S.C. 112, 2nd, because the examiner cannot clearly and distinctly determine the meets and bounds of the limitation "substantially concurrently", the rejection is maintained.

In response to the rejection of claims 42-53, a new grounds of rejection has been established (see rejections above).

Conclusion

9. For the reasons above, claims 42-53 have been rejected and remain pending.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL Y. WON whose telephone number is (571)272-3993. The examiner can normally be reached on M-Th: 10AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

September 30, 2008